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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,317	12/19/2000	Simon G. Thompson	36-1533	2567

7590 10/05/2004

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EXAMINER

NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,317

Applicant(s)

THOMPSON ET AL.

Examiner

Qamrun Nahar

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 have been examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office on 11/08/99. It is noted, however, that applicant has not filed a certified copy of the 99308863.2 application as required by 35 U.S.C. 119(b).

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because the label "Figure 1" should not be in the abstract. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities: "Aspect Orientated Process Engineering" on pg.1, par. 5, line 2 of the specification should be "Aspect Oriented Process Engineering".

Appropriate correction is required.

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6. The disclosure is objected to because of the following informalities: "instal" on pg.2, par. 2, line 8 of the specification should be "install".

Appropriate correction is required.

7. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gryphon (U.S. 6,233,537).

Per Claim 1:

The Gryphon patent discloses:

- **a method of generating a process plan** (“A modeling system for the visual presentation of event-driven business processes, composed of multiple plan elements, is provided.” in column 1, lines 50-65)

- **storing at least one generic process plan, storing at least one non-generic process element containing a predetermined pattern** (“Visual BML is modular. Each Visual BML diagram, referred to as a “plan,” describes the attributes and relationships of a single planned process. Each symbol can be deployed (reused) within the plans for other symbols as appropriate.” in column 2, lines 1-5)

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- searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to generate a process plan, and outputting the generated process plan (column 6, lines 1-20; column 6, lines 47-67 to column 7, lines 1-57; “Action” is interpreted as a non-generic process element, where “Action” is associated with “Step”. A generic process plan is defined as a sequence of Steps, where each step is searched for an action that is associated with the step, and then an action is defined and deployed as part of the step; thereby, generating a new process plan.):

Per Claim 2:

The Gryphon patent discloses:

- the steps of receiving for storage at least one generic process plan and receiving for storage at least one non-generic process element (column 8, lines 16-25).

Per Claim 3:

The Gryphon patent discloses:

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- each stored generic process plan is indexed in accordance with a goal to be achieved by the plan, receiving a goal input, and selecting a generic process plan for searching, said selection being in accordance with the received goal input (column 6, lines 1-14).

Per Claim 4:

The Gryphon patent discloses:

- at least one non-generic process element comprises resource information, identifying one or more resources to support a process step in a generated process plan (column 6, lines 56-66).

Per Claim 5:

The Gryphon patent discloses:

- each stored non-generic process element comprising resource information is indexed in accordance with one or more relevant resources (column 6, lines 56-66).

Per Claim 6:

The Gryphon patent discloses:

- at least one inserted process element comprises data (column 6, lines 56-66).

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Per Claim 7:

The Gryphon patent discloses:

- **at least one non-generic process element comprises context specific method steps or data and is indexed for storage according to the relevant context** (column 6, lines 56-66).

Per Claim 8:

The Gryphon patent discloses:

- **the context for at least one non-generic process element is service type** (column 6, lines 46-66).

Per Claim 9:

The Gryphon patent discloses:

- **the context for at least one non-generic process element is customer type** (column 6, lines 56-66).

Per Claim 10:

The Gryphon patent discloses:

- selecting an item of content from two or more alternative items of content, said two or more alternative items of content being identified from said at least one non-generic process element, and inserting the selected content into the generic process plan in generating a process plan (column 6, lines 1-20; column 6, lines 47-67 to column 7, lines 1-57).

Per Claim 11:

The Gryphon patent discloses:

- wherein the selection is domain specific (column 6, lines 1-20; column 6, lines 47-67 to column 7, lines 1-57).

Per Claim 12:

This is an apparatus version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Gryphon.

Per Claims 13-14:

These are apparatus versions of the claimed method discussed above (claims 1, 10 and 11), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Gryphon.

Conclusion

10. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 *if calling before October 28, 2004*; otherwise *if calling on or after October 28, 2004*, then the telephone number is (571)272-3730. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kakali Chaki

QN
September 24, 2004

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100